

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NICOLE NELSON.

Plaintiff,

V.

NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
Operations,

Defendant.

CASE NO. 2:17-CV-00789-JRC

ORDER ON STIPULATED
MOTION FOR EQUAL ACCESS
TO JUSTICE ACT FEES AND
COSTS

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge

and Consent Form, Dkt. 3, Consent to Proceed Before a United States Magistrate Judge, Dkt. 11.

This matter is before the Court on plaintiff's Stipulated Motion for Attorney Fees (*see* Dkt. 14).

¹⁰ Based on the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”), the stipulation of

the parties (*see* Dkt. 14), the attorney declaration and time and costs itemizations (Dkt. 14,

Attachments 2, 3), and the relevant record, it is hereby ORDERED that EAIA attorney's fees of

1 \$2,687.55 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue v.*
2 *Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at ***6-***7 (2010).

3 It is further ORDERED that costs in the amount of \$400.00 shall be awarded to plaintiff
4 pursuant to 28 U.S.C. §1920; 31 U.S.C. § 1304(a).

5 The Acting Commissioner agrees to contact the Department of Treasury after the Order
6 for EAJA fees and costs is entered to determine if the EAJA fees and expenses are subject to any
7 offset. If it is determined that plaintiff's EAJA fees and costs are not subject to any offset
8 allowed pursuant to the Department of the Treasury's Offset Program, then the check for EAJA
9 fees and costs shall be made payable to Victoria B. Chhagan, Esq., based on plaintiff's
10 assignment of these amounts to plaintiff's attorney (*see* Plaintiff's Declaration Regarding Net
11 Worth and Payment of EAJA Fees and Federal Court Retainer Agreement, Dkt. 14, Attachments
12 4, 5). If there is an offset, the remainder shall be made payable to plaintiff, based on the practice
13 of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any check for
14 EAJA fees shall be mailed to plaintiff's counsel, Victoria B. Chhagan, Esq., at Douglas,
15 Drachler, McKee & Gilbrough, 1904 Third Avenue, Suite 1030, Seattle, WA 98101.

16 Dated this 30th day of March, 2018.

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18 J. Richard Creatura
19 United States Magistrate Judge
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